

Court reporting: What to expect

Information for the public

About us and how we can help

We are IPSO (Independent Press Standards Organisation), the independent regulator of most of the UK's newspapers and magazines.

We protect individual rights, uphold high standards of journalism and help to maintain freedom of expression for the press.

Website: www.ipso.co.uk

Email: inquiries@ipso.co.uk

If you need advice about the Editors' Code of Practice (the Code) or are concerned about a story or a journalist's behaviour, you can contact us on 0300 123 2220. In an emergency after hours or at the weekend, you can also contact us using our emergency 24-hour service on 07799 903929.

Our staff are also able to help you to deal with urgent harassment issues. They will talk about your concerns, and can give practical advice and guidance. In some cases we can send out a notice, which will allow you to pass on a specific request to the industry (for example, to stop phoning you) or concerns about the future publication of material which might break the code.

If you want to make a complaint, you will need to do this in writing. You can do this through our website (www.ipso.co.uk/make-a-complaint) or by emailing inquiries@ipso.co.uk

About this guidance

This guidance is for people who have appeared in court including witnesses, people accused of a crime or the family of someone accused of a crime. It gives information about what to expect when the press is interested in reporting court proceedings and how we can help.

The main points:

- Journalists are allowed to go to court and report anything which is said or given as evidence in court.
- Journalists are generally allowed to print certain information about people who go to court or give evidence, including their address and a photo of them.
- Journalists must follow the rules set by the Editors' Code of Practice.
- Journalists are allowed to choose what information they want to report, and do not have to report everything which has been said in court.
- Members of the public who are concerned about press coverage or the behaviour of a journalist should contact us for advice on 0300 123 2220 or through our website at www.ipso.co.uk.

Why newspapers report court cases and what to expect

Why do newspapers report court cases?

Newspapers routinely report what happens in court as part of making sure justice happens fairly. It is important that the public is told about what happens in court, so that they can see justice in action. This is commonly known as 'open justice'.

What to expect

Journalists often go to court to report on the cases being heard. When they are in court, a reporter will take notes, recording the trial. Journalists use these notes to make sure that their reports are accurate. A newspaper can use these notes as evidence that they took care to make sure that their article was accurate.

Even if there is only one reporter in court, a story about the case may appear in many different newspapers, including national newspapers. This is because the reporter might work for an agency and may provide the story to several newspapers. In other cases, a newspaper might see the original story and also want to report the case.

A journalist might be at one, some or all of the days of a trial. Stories might be published at any point of the trial and may not cover the whole case. Newspapers might not always print a story with both the prosecution and defence's arguments, particularly if they were heard on different days.

Newspapers may also not always report the outcome of a case which it has previously reported parts of. If part of the case has been reported but the outcome has not, you should contact the newspaper. After this, the newspaper should publish a report with the outcome of the case.

Sometimes people are upset that what they think is important is not included in the story. This is because editors are allowed to choose what is or is not included. However, a story (or series of stories) must not be so one-sided that it is significantly misleading.

What can newspapers publish?

Generally, newspapers are allowed to publish:

- anything that has been said in court or used as evidence, including evidence or testimony given by either a witness or a defendant
- the name, age, and address of anyone who is involved in a court case, and
- photos of anyone involved in a court case, including photos taken by a photographer or photos from social media.

There are some exceptions and some information can't be published. We explain this in the next section of this document.

Information heard in court

Journalists are generally allowed to report anything which is said or given as evidence in court. They do not have to check whether the evidence given is true, but they must report correctly what was said as evidence.

Names, addresses and ages

When reporting a court case, a newspaper normally reports details about the defendants and witnesses such as their name, age and address.

Normally, newspapers will report only part of an address (for example John Smith of High Street). However, journalists are allowed to publish someone's full address, if this is necessary to identify someone.

It is important to include these details so that readers do not confuse these people with someone with the same name. If you are a witness or a victim in a trial, your name and other details may also be reported.

Photos

Newspapers will often publish photos of people who are involved in a court case to help readers to identify these people. Police often also give photos to journalists for this reason.

If a newspaper does not have a photo, a journalist might use another photo already available in the public domain. This may include photos taken from social media. This is normal practice, but, if you are worried about how journalists have used a photo, or anything else from social media, you might find it helpful to read our guidance about this.

If a newspaper cannot find a suitable photo, the editor may send a photographer to take a picture. It is acceptable for people to be photographed as they leave court.

Taking and publishing a photo of someone involved in a court case is in the public interest. The Code does not generally stop a newspaper from doing this. However, photographers and journalists must not harass people when taking a photo.

If you are concerned about harassment, you should read our guidance about this, or contact us for advice.

What can't newspapers publish?

Generally, unless editors can prove there is a public interest, newspapers are not allowed to print:

- information which might identify a victim of sexual assault
- information which identifies a friend or relative of a criminal, who is not at all relevant to the court case, or
- information which is protected by reporting restrictions or might be in contempt of court.

Victims of sexual assault

The Editors' Code of Practice bans editors from publishing information which might identify a victim of sexual assault. Journalists must not identify these people or publish information which might lead to them being identified. This might include publishing details such as their age, occupation, address, or details of the alleged crime (such as the relationship between the defendant and the victim).

People who are victims of other crimes are not offered this protection.

Friends or relatives of criminals

Newspapers are not generally allowed to name a relative or a friend of a person convicted of a crime if they are not relevant to the case. However, if there is a public interest in naming them,

journalists are allowed to do this. If someone is named in court, or goes to court to support a defendant, journalists are normally allowed to report this.

Reporting restrictions and contempt of court

Sometimes, there might be a legal reporting restriction on a court case. This means that certain information heard in court cannot be reported. A restriction may be automatic under law or a judge might choose to make a restriction. Automatic restrictions normally relate to reporting sexual offences or court cases in youth courts.

There are also rules about what a newspaper (or any member of the public) can publish which might be in contempt of court. Once somebody has been arrested or civil proceedings have started, they are protected by law from the publication of information which might mean that their trial cannot take place fairly.

If you think a newspaper printed information which had been restricted or is in contempt of court, you should get legal advice or speak to court officials. We are not able to help with these issues.

What should I do if I am approached by a journalist?

It is normal for journalists to want to speak to someone who they are writing a story about. Journalists do this to make sure that what they are publishing is accurate.

Many people want to speak about their experience of crime and are happy to be interviewed.

If you are approached by a journalist, you might find it helpful to visit our website to read our guidance and frequently asked questions about how to deal with this.

What can I do if I want an article to be removed from a newspaper's website?

If an article is written about a court case, some people involved may want it to be removed from a website. We receive a lot of inquiries about this. However, we are not generally able to help with these inquiries.

If you want an article to be removed, you should contact the newspaper direct. An editor of a newspaper might refuse to remove an article, even if it is old. This is because many newspapers feel it is important to have an accessible archive of all the stories that they have published. You should not be surprised if a newspaper refuses to remove an article about you.

If your convictions have been 'spent', you may have legal rights to have links to articles about these convictions to be removed from search engines. (Convictions become spent a certain time after the date you are convicted. After that date they not allowed to count against you and you do not have to declare them.) If you make a formal request to an internet search engine direct, they may remove these articles from search results. However, these articles will still be available on newspapers' websites.

If you are concerned about the information which appears on search engines, you should get advice from the search engines themselves or from the Information Commissioner's Office (ICO). The ICO handles complaints about failing to keep to the Data Protection Act.

Crystal
Mark
22593



Clarity approved by
Plain English Campaign